

ORIGINAL

RECEIVED & FILED

Donald L. Hess,  
Kay M. Cantrell, an unmarried woman, and Donald L. Hess, an unmarried man, as joint  
tenants with the right of survivorship.  
1818 Madero Drive  
The Villages, FL 32159  
352-391-1990  
dhmarina@msn.com

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In Re:  
USA Commercial Mortgage Company

Case No. BK S - 06 - 10725 - LBR  
Case No. BK S - 06 - 10726 - LBR  
Case No. BK S - 06 - 10727 - LBR  
Case No. BK S - 06 - 10728 - LBR  
Case No. BK S - 06 - 10729 - LBR

**Joinder to Opposition to**

**Motion to Approve**

**Settlement With Debt**

**Acquisition Company of**

**America V, LLC**

Date: February 20, 2009

Time: 9:30 a.m.

Place: Foley Federal Bldg, Ctrm 1

300 Las Vegas Blvd South

Las Vegas, NV

1 Donald L. Hess, Unsecured Creditor of the USACM Liquidating Trust appearing Pro  
2 Per, hereby joins the Opposition to Motion to Approve Settlement with Debt Acquisition  
3 Company of America V, LLC, filed by movant Carol Mortensen.

4 Dated February 13, 2009


5 Donald L. Hess

6 Pro Per

7 

8 By: Donald L. Hess

9  
10 This Opposition is filed according to Local Rules 9014(d) (1). According to the  
11 instruction in Docket # 6771, this Response/Opposition is required to be served on the  
12 person who notified me of the Motion. While I was not notified of the Motion  
13 , I have served this Opposition by US Mail or Email on this date to the Parties of Interest  
14 below. All other parties of interest shall be notified via Pacer.

15  
16   
17 Donald L. Hess

2/13/09  
February 13, 2009

18  
19 Lewis and Roca, Rob Charles: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)

20 Jones Vargas, Janet Chubb: [tbw@jonesvargas.com](mailto:tbw@jonesvargas.com)

DECLARATION of Donald Hess

Wednesday, February 11<sup>th</sup>, 2009

I hereby declare pursuant to 28 USC Section 1746 that the following is true and correct, to the best of my knowledge and belief:

My name is Donald L. Hess.

I am more than 18 years old, and fully able and willing to testify if called to do so.

I swear, under penalty of perjury, that the following statements are true.

I am a Direct Lender in the USACM portfolio. At the time of the bankruptcy confirmation, I owed the USACM "Liquidation Trust" \$8215.28 in "prepaid" interest, as indicated in a statement from Compass Partners, dated August 1<sup>st</sup>, 2008.

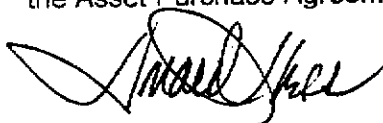
On or about September 23<sup>rd</sup>, 2008, I sold my \$50,000 interest, jointly held with rights of survivorship with my deceased partner Kay J. Hart, in the loan Fiesta Oak Valley, to Debt Acquisition Corp of America (DACA) for \$35000, or \$.70 on the dollar.

From my total payment for my interest, DACA deducted \$8215.00. My understanding is that they were collecting that sum on behalf of the Liquidation Trust. On September 30<sup>th</sup>, 2008, I received two checks; one for \$24,285.00 and one for \$2500.00, totaling \$26,785.00

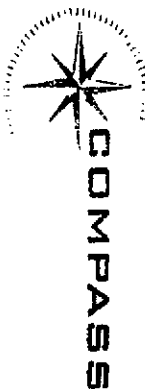
Today, February 11<sup>th</sup>, 2009, Geoff Berman, Trustee of the Liquidation Trust, sent me an e-mail telling me I still owe \$ 8215.28; a true and correct copy is hereby attached.

I have to conclude that DACA has failed, in the intervening four months, to remit the prepaid interest they collected from me to the Liquidating Trust .

Further, I am OUTRAGED that the Court would consider permitting DACA to use the prepaid interest they collected from ME at 100%, and WITHELD from the Liquidating Trust, as payment at 17 cents on the dollar for assets they intend to purchase through the Asset Purchase Agreement they have set before the court as a Motion.



Donald L. Hess



P-5016  
 Donald Hess  
 1818 Madero Drive  
 The Villages, FL 32159

8/1/2008

### Investor Remittance Statement

For the period 7/1/2008 through 8/1/2008

Loan Name Loan ID	---Beginning---		Svc Fee Rate Net Rate	Int Accrued This Period	---Ending---		Subtotal of Prin & Int	Service Advances	Prepaid Interest	Total Prin & Int
	Principal Bal	Net Int Bal			Principal Paid	Net Int Bal				
Fiesta Oak Valley L-195	\$50,000.00	\$24,715.65	3.000000%	\$688.10	\$0.00	\$50,000.00	\$75,403.75	\$355.32	\$8,215.28	\$66,833.15

This statement is provided for informational purposes only and is intended for the sole benefit of the named vested party.  
 This statement is not intended to represent a loan payoff quote. Compass reserves the right to update and supplement this statement.

DEBT ACQUISITION COMPANY OF AMERICA V, LLC  
 1565 Hotel Circle South, #310  
 San Diego, California 92108  
 Telephone (800) 400-5033

50342

IN RE: USA - Fiesta Oak Mesa  
 CASE NO:

Donald L. Hess,  
 ATTN:  
 1818 Marina Drive  
 The Villages, FL 32159

\$24,285.00

This check, in the amount of \$24,285.00, represents the settlement payment for the purchase of your claim in the above referred to bankruptcy case. The individual named above approved this settlement on your company's behalf.

We appreciate being of assistance in helping you liquidate your receivable in this particular bankruptcy case. If you have other receivables held against other entities that are also in bankruptcy, please do not hesitate to contact our office to discuss the possible sale of these receivables.

Visit our website at: [www.dica4.com](http://www.dica4.com)

DEBT ACQUISITION COMPANY OF AMERICA V, L.L.C.

18865

093008

9/30/08

2,500.00

2,500.00

9/30/08

18865

DONALD L HESS

\$2,500.00

RE: Balance of "Pre-paid" interest.

From: **Geoffrey Berman** (gberman@dsi.biz)

Sent: Wed 2/11/09 4:29 PM

To: Don Hess (dhmarina@msn.com)

Mr. Hess:

I am showing the unpaid "prepaid interest" as being \$8,215.28. Please let me know if you need anything else.

Geoff Berman

**From:** Don Hess [mailto:dhmarina@msn.com]

**Sent:** Tuesday, February 10, 2009 9:21 AM

**To:** Geoffrey Berman

**Subject:** Balance of "Pre-paid" interest.

Geoff,

Per my phone message to you Tuesday Feb.10th, I need a figure for the amount of "pre-paid" interest I still owe the estate. Would you mind forwarding that figure to me by e-mail ASAP.

Many thanks,

Don Hess, lender

Fox Hills 216

Fiesta Oak Valley

Charlevoix Homes

Windows Live™: E-mail. Chat. Share. Get more ways to connect. Check it out.